

FILED

JUL 18 2024

SP

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Bryant Fu and Crystal Lei  
337 28<sup>th</sup> Avenue  
San Francisco, CA 94121

Tony Fu  
5813 Geary Blvd. PMB 188  
San Francisco, CA 94121

Plaintiffs and Creditors in Pro Se

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re

Legal Recovery, LLC

Debtor.

Case No.: 24-30074

Chapter 11

**DECLARATION OF BRYANT FU IN  
SUPPORT OF CREDITORS' MOTION  
FOR RECONSIDERATION OF ORDERS  
DISALLOWING CLAIMS NO. 4 AND 7**

Date: August 16, 2024

Time: 10:00 AM

Crtrm: Zoom or AT&T Conference

Appearances by Tele/Videoconference  
(AT&T/Zoom)

Judge: Hon. Dennis Montali

Place: United States Bankruptcy Court  
450 Golden Gate Ave., 16<sup>th</sup> Floor  
San Francisco, CA

Dkt. Nos. 94, 96

1 I, Bryant Fu, hereby declare:

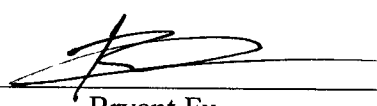
2 1. I am the Plaintiff in this action. I submit this declaration in support of Creditors'  
3 Motion for Reconsideration of Orders Disallowing Claims No. 4 and 7. Except as otherwise  
4 indicated, I am familiar with the matters stated in this declaration from my own personal  
5 knowledge of the facts and evidence attested herein, and if called and sworn as a witness, I could  
6 and would testify thereto.

7 2. I was under a mistaken belief that any responsive deadline would only count from  
8 the date a separately filed notice is lodged with the Court because the text entry on the docket  
9 required a separate notice to be filed. I did not see any separate notice filed in this case and thus  
10 did not compute the time for a response to the objection and to amend the proof of claim. I realize  
11 the error and will take steps to ensure that it does not happen again. I was unfamiliar with  
12 bankruptcy rules and procedures and did not have bankruptcy counsel to assist, although I am  
13 actively trying to retain counsel specializing in bankruptcy law. The errors that I have made were  
14 not intentional.

15 3. Attached hereto as **Exhibit A** is a true and correct copy of the Second Amended  
16 Complaint filed on June 8, 2023, in the San Francisco Superior Court, case of *Bryant Fu v.*  
17 *Shuzhen Tu, et al.*, case no. CGC-22-599369. This case claims damages suffered by me and my  
18 mother Crystal Lei for fraudulent transfers engaged in by Legal Recovery LLC.

19 4. Attached hereto as **Exhibit B** is a true and correct copy of the First Amended  
20 Complaint filed February 16, 2023, in the San Francisco Superior Court, case of *Tony Fu v. Legal*  
21 *Recovery, LLC, et al.*, case no. CGC-22-599746. This case claims damages suffered by Tony Fu  
22 for fraudulent transfers engaged in by Legal Recovery LLC.

23  
24 I declare under penalty of perjury under the law of the State of California that the above is  
25 true and correct, and that this declaration is executed at San Francisco, California, this 18th day of  
26 July, 2024.

27  
28  
  
Bryant Fu

# Exhibit A

1 Bryant Fu  
337 28th Avenue  
2 San Francisco, CA 94121  
(415) 221-0969

3 Plaintiff in Pro Per  
4

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

06/08/2023  
Clerk of the Court  
BY: MADELE MACADANGDANG  
Deputy Clerk

5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
6 **FOR THE COUNTY OF SAN FRANCISCO**

7 Bryant Fu, an individual,

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Plaintiff,

vs.

Shuzhen Tu, an individual;

Mei Ling Fang a/k/a Lily Yan, an individual;

Tina Yan a/k/a Tina Foon Yu Yan, an individual;

Vi Dan Tran a/k/a Dan V. Tran, an individual;

Harry Nguyen, an individual;

John Nguyen a/k/a John Wynn, an individual;

818 Green Street LLC, a California Limited  
Liability Company;

Oakland Development LLC, a California Limited  
Liability Company;

T24, LLC, a Limited Liability Company;

Legal Recovery, LLC, a California Limited  
Liability Company;

Legal Recover, LLC, a California Limited  
Liability Company;

Legal Associates, Inc.

Noble Lane, LLC and

And Does 1-50.

Defendant(s).

Case No.: CGC-22-599369

**SECOND AMENDED COMPLAINT FOR**

- (1) CREDITOR'S SUIT;  
(2) FRAUDULENT TRANSFERS;  
(3) CONSPIRACY TO DEFRAUD AND  
AIDING AND ABETTING  
FRAUDULENT TRANSFERS.

I. PARTIES

1. Plaintiff Bryant Fu is, and at all relevant times was, an individual residing in California, and over the age of 18 years old.
2. Defendant Shuzhen Tu ("Tu") is, and at all relevant times was, an individual over the age of 18 years old.
3. Defendant Mei Ling Fang a/k/a Lily Yan, is, and at all relevant times was, and individual residing in California, and over the age of 18 years old.
4. Defendant Tina Yan a/k/a Tina Foon-Yu Yan, is, and at all relevant times was, and individual residing in California, and over the age of 18 years old.
5. Defendant Vi Dan Tran a/k/a Dan V. Tran ("Tran") is, and at all relevant times was, an individual residing and doing business in California, and over the age of 18 years old.
6. Defendant Harry Nguyen ("Nguyen") is, and at all relevant times was, an individual residing and doing business in California, and over the age of 18 years old.
7. Defendant John Nguyen a/k/a John Wynn ("Wynn") is, and at all relevant times was, an individual residing and doing business in California, and over the age of 18 years old.
8. Defendant T24, LLC, is a Limited Liability Company registered in Nevada.
9. Defendants Legal Recovery, LLC, Legal Recover, LLC, 818 Green Street LLC, Noble Lane, LLC, and Oakland Development LLC, are/were registered California Limited Liability Companies.
10. Defendant Legal Associates, Inc, is a registered California corporation.
11. The aforementioned defendants are called "Defendants" collectively in this Complaint.
12. Plaintiff is ignorant of the true name and capacities of the Defendants sued herein as DOES 1 through 50, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will seek leave of the court to insert the correct names of said Defendants when the names have been ascertained.
13. Plaintiff is informed and believes and alleges thereon that each of the Defendants named herein as Doe participated and/or are responsible in some manner for the occurrences herein alleged,

1 and that Plaintiff's losses as herein alleged were proximately caused by such acts of the  
2 fictitiously named Defendants.

3 14. Plaintiff is informed and believes and on that basis alleges that at all times relevant to the acts  
4 complained of herein, Defendants, were or are the agents, servants, employees, alter egos and/or  
5 representatives of the other Defendants, and each of them, acted in concert and conspired with  
6 Demas Yan a/k/a Dennis Yan and Defendant Tina Yan (collectively, the "Yans" or "Judgment  
7 Debtors"), and/or aided and abetted each other and/or with the Yans to do the acts complained  
8 of herein and that Plaintiff's damages are proximately caused thereby and that each Defendant is  
9 responsible in some manner for the occurrences alleged herein in this Complaint.

10 15. Plaintiff is further informed and believes and on that basis alleges that each of the acts of the  
11 aforementioned Defendants complained of herein was within the course and scope of the  
12 aforementioned agency and/or employment, and was made at the advice, order, instruction,  
13 direction and control of each of the other Defendants, and with the knowledge, consent and/or  
14 ratification of Defendants, and each of them. Defendants' acts harmed and/or caused harm  
15 directly and/or indirectly to Plaintiff.  
16

## 17 II. JURISDICTION AND VENUE

18 16. This Court has subject matter jurisdiction over all causes of action asserted herein pursuant to  
19 Article 6, sec. 10 of the California Constitution. Each cause of action asserted arises exclusively  
20 under the laws of the State of California.

21 17. Defendants are subject to the jurisdiction of this Court by virtue of their residence, and their  
22 business dealings and transactions in California, by having caused injuries through their acts and  
23 omissions throughout the State of California, and by their violations of California statutory and  
24 common law. Each Defendant has sufficient minimum contacts within California to make the  
25 exercise of jurisdiction over each Defendant by California courts consistent with traditional  
26 notions of fair play and substantial justice. Defendants do substantial business in the State of  
27 California and thus subject to personal jurisdiction in California state courts.  
28

1 18. Venue is proper in this Court pursuant to California Code of Civil Procedure Section 395 as this  
2 is an action to enforce obligations and liabilities which, in substantial part, arose in this county  
3 and which were, in substantial part, performed in this county.

4 **III. GENERAL ALLEGATIONS**

5 19. Plaintiff incorporates the allegations of each and every paragraph above as though fully set forth  
6 here. Upon information and belief, Plaintiff alleges the following:

7 20. For over 16 years, Demas Yan, a vexatious litigant and disbarred attorney has been  
8 pathologically directing a deluge of frivolous litigation against Plaintiff and his family for the  
9 clear purpose of causing them physical, emotional, and financial harm. In doing so, Demas Yan  
10 with the aid of Tina Yan and others acted on his declared intent to get "revenge" against  
11 Plaintiff for thwarting his illegal schemes, by subjecting plaintiff to abusive litigation and  
12 engaging in sanctionable conduct that drained plaintiff's time and money and has caused  
13 substantial physical harm. Plaintiff's suffering has resulted in judgments and sanctions, but that  
14 has not stopped Demas Yan and those that conspire with him to continue harming Plaintiff.  
15 Indeed, the Yans have effectively become "judgment-proof" by concealing their assets through  
16 the aid and acts of Defendants, thereby immunizing themselves from liability for the harms and  
17 damages they have caused. The Yans conspired to fabricate and maliciously prosecute bad faith  
18 litigation personally and through other individuals or LLCs to harm, harass and drain Plaintiff's  
19 resources because the Yans have become judgment-proof from hiding their assets. The Yans  
20 caused significant harm to Plaintiff and owes over \$1 million in tort claims, judgments and  
21 sanctions to Plaintiff.

22 21. Defendants Mei Ling Fang and Shuzhen Tu have possession or control of assets or property  
23 interest in which the Yans have interests. One such asset is a residential real property located at  
24 547 23<sup>rd</sup> Avenue, San Francisco, CA 94121 ("San Francisco Property"). Plaintiff has rights to  
25 recover the Yans' interest in that property and any other property for the purpose of satisfying  
26 Plaintiff's claims and judgments against the Yans and their co-conspirators.

27 22. In *Li v. Chiu, et al.*, case no. CGC-14-537574, the Yans and transferee defendants named in the  
28 suit were all enjoined by an injunction from wasting the San Francisco Property or making

1 further transfers of it. However, on January 4, 2019, after a series of actions by Defendants  
2 which included staging phony auction purportedly taking place at San Francisco City Hall as  
3 pretext or subterfuge to fraudulently strip and nullify creditor liens against the San Francisco  
4 Property, they caused to be recorded a Trustee's Deed Upon Sale conveying the San Francisco  
5 Property to Defendant Shuzhen Tu based on a fraudulent Deed of Trust. The actions by  
6 Defendants were made to further transfer the San Francisco Property as part of the Yans'  
7 scheme to defraud and evade seizure by Plaintiff and creditors of the Yans and to allow the  
8 Yans to engage in frivolous and bad faith actions with immunity to sanctions and adverse  
9 judgments. On or about September 19, 2021, while investigating the title of the San Francisco  
10 Property pursuant to the First District Court of Appeal's direction as part of the remanded trial  
11 proceedings in the case of *Lei, et al. v. Yan, et al.*, case no. CGC-14-565831, Plaintiff  
12 discovered the subsequent transfer was fraudulent and effectuated to make the San Francisco  
13 Property unavailable for collections to Yans' creditors. The Defendants involved in effectuating  
14 the aforementioned actions to fraudulently transfer the San Francisco Property while actively  
15 keeping it out of reach from Yans' creditors include, but not be limited to, Defendants Tina Yan,  
16 Tu, Fang, Tran, Nguyen, Wynn, 818 Green Street LLC, and Legal Associates Inc.

17 23. The Yans fraudulently transferred their assets to numerous LLCs and other legal entities to  
18 defraud judgment creditors. The Yans have continued to defraud Plaintiff of recovery on  
19 pending tort claims and other judgment debts. The Yans profited from keeping their assets  
20 outside the reach of judgment creditors by hiding it behind Defendants and concentrating large  
21 sums held and moved through shell companies such as Defendants Oakland Development LLC  
22 and Legal Associates Inc. Defendants facilitated the concealment and movement of those assets  
23 and used them to purchase real estate and goods for the Yans to evade Plaintiff's judgment liens.  
24 Those assets include real properties located at 4848 MacArthur Blvd, Oakland, California  
25 ("Oakland Property") and 1052 Noble Lane, San Jose, California ("San Jose Property") where  
26 the Yans purchased such properties and fraudulently transferred interests and title of those  
27 properties among Defendants in an ongoing scheme to allow the Yans to remain the true title  
28



1 holders in interest or owners of those properties while Defendants serve as shells and puppets to  
2 hide the Yans' ownership interests.

3 24. The transfer of the Oakland Property to Defendant T24, LLC was effectuated on or about  
4 January 13, 2021, after funds belonging to the Yans were transferred through Defendants  
5 including Oakland Development LLC and Legal Associates Inc to purchase the Oakland  
6 Property. Title of the Oakland Property was conveyed to Defendant T24, LLC through insider  
7 transactions made without adequate or reasonable consideration, and made in fraud of creditors  
8 to mask the Yans' ownership of the Oakland Property. Defendants both individually and  
9 collectively aided and enabled the fraudulent transfers of this property by directly and indirectly  
10 concealing the Yans' ownership interest in the property. Plaintiff discovered this fraudulent  
11 transfer of the Oakland Property on or about July 12, 2022, in the proceedings connected with  
12 and relating to the judgment debtor's examination of Demas Yan. The defendants involved in  
13 effectuating the aforementioned actions to fraudulently transfer the Oakland Property and  
14 actively keep it out of the reach of the Yans' creditors by means including manipulating the title  
15 or otherwise hiding the property include, but may not be limited to, Defendants Tina Yan, Tran,  
16 T24 LLC, Oakland Development LLC, Legal Associates Inc., Legal Recovery, LLC, Legal  
17 Recover, LLC, Wynn, and Nguyen.

18 25. The transfer of San Jose Property to Defendant Legal Recover, LLC was effectuated on or about  
19 August 31, 2020, after funds belonging to the Yans were transferred through Defendants  
20 including but not limit to Oakland Development LLC, Legal Recovery LLC, and Legal Recover  
21 LLC. Plaintiff discovered this fraudulent transfer of the San Jose Property on or about July 12,  
22 2022, in the proceedings connected with and relating to the judgment debtor's examination of  
23 Demas Yan. The San Jose Property was fraudulently transferred again on or about July 20,  
24 2022, to Defendant Noble Lane, LLC. Defendants both individually and collectively aided and  
25 abetted the fraudulent transfers of this property by directly and indirectly concealing the Yans'  
26 ownership interest in the property. The various transfers of the San Jose Property were made  
27 without adequate or reasonable consideration, and made in fraud of creditors to mask the Yans'  
28 ownership of the San Jose Property. The defendants involved in effectuating the aforementioned

1 actions to fraudulently transfer the San Jose Property and actively keep it out of the reach of the  
2 Yans' creditors by means including manipulating the title or otherwise hiding the property  
3 include, but may not be limited to, Defendants Tina Yan, Wynn, Legal Recovery LLC, Legal  
4 Recover LLC, and Noble Lane LLC.

5 26. These fraudulent transfers were enabled and engaged by Defendants conspiring, aiding, and  
6 abetting the Yans and acting as their alter egos in a scheme to hinder, delay, and defraud  
7 Plaintiff. Plaintiff notified Defendants such assets belonging to the Yans are subject to  
8 collection for satisfaction of Plaintiff's judgments and sanctions against the Yans, and requested  
9 they be turned over. Defendants have refused.

#### 10 **IV. CLAIMS AND/OR CAUSES OF ACTION**

##### 11 **First Cause of Action – Creditor's Suit**

12 27. Plaintiff incorporates the allegations of each and every paragraph above as though fully set forth  
13 here. Upon information and belief, Plaintiff alleges the following:

14 28. Plaintiff has money judgments, sanctions, and tort claims against the Yans exceeding \$1  
15 million. Defendants have engaged in actions to hide assets belonging to the Yans in fraud of  
16 Plaintiff judgments, sanctions, and claims. The various assets belonging to the Yans that were  
17 transferred or placed in the possession or control of Defendants are further described but are not  
18 limited to the description in the following paragraphs:

19 29. Defendants Tina Yan, Fang, Tu have possession or control of the San Francisco Property and  
20 cash assets including rent generated from the property. Defendant Fang took possession or  
21 control of the San Francisco Property around May 2018 and thereafter gave possession or  
22 control of the property to Defendants Tran, Nguyen, and Legal Associates, Inc., before  
23 providing possession and control of the property to Tu on or about January 4, 2019. The San  
24 Francisco Property and income generated from it belongs to the Yans and the property is being  
25 held in the possession of Defendants Fang, Tu, Tran and Nguyen and may be held by the other  
26 defendants to the extent not possessed by the aforementioned defendants engaged in preventing  
27 Plaintiff from executing and collecting against it.

1 30. The Yans acquired ownership of the Oakland Property on or before January 13, 2021, and at or  
2 around that time transferring possession or control of the Yans' property and related assets to  
3 Defendants including Oakland Development LLC, Tran, and T24, LLC while remaining the true  
4 owners of the Oakland Property. The Oakland Property generates rental and business income  
5 for the Yans and those assets are being concealed behind Defendants.

6 31. The Yans acquired ownership of the San Jose Property on or August 31, 2020, whereon  
7 possession or control of the property was transferred to defendants Legal Recovery LLC, Legal  
8 Recover LLC. Possession and control was given to Noble Lane LLC on or about July 20, 2022  
9 while the Yans remained the true owners of the property.

10 32. Defendants have control of various cash assets and property interest belong to the Yans or owed  
11 to the Yans.

12 33. Plaintiff face real and immediate threat of repeat and irreparable injury as a result of the  
13 unlawful misconduct of the Defendants. Plaintiff has no adequate and complete remedy at law  
14 otherwise.

15 34. As a direct and proximate result of Defendants' conduct, Plaintiff has been forced to expend  
16 significant amounts of time and money in defending against the frivolous claims filed by or at  
17 the direction of the Yans whom have become "judgment proof" or immune from the judgments  
18 and sanctions that have been entered and future sanctions that would be entered against due to  
19 the fraudulent transfers of their assets engaged and facilitated by Defendants to safeguard the  
20 Yans' assets and properties. Due to Defendants' actions, Plaintiff has been unable to collect  
21 against the Yans' assets while the Yans continue to vexatiously multiply frivolous litigation,  
22 continue their campaign of harassing Plaintiff, and driving up Plaintiff's costs and suffering.  
23 Each defendant acted in concert with each other defendant and with the Yans in a continuing  
24 scheme and conspiracy to defraud and harm Plaintiff and to violate Plaintiff's rights. The  
25 conduct of Defendants, individually and collectively was a substantial factor and proximate  
26 cause in bringing about Plaintiff's harm.

27 ///

28 ///

1                                   **Second Cause of Action – Fraudulent Transfers**

2 35. Plaintiff incorporates the allegations of each and every paragraph above as though fully set forth  
3 here. Upon information and belief, Plaintiff alleges the following:

4 36. Plaintiff is a creditor who has rights to payment from the Yans pursuant to the tort claims,  
5 judgments and sanctions against the Yans.

6 37. The Yans transferred the Properties to Defendants pursuant to the various transactions as  
7 described above for less than reasonably equivalent value with the intent to hinder, delay, and  
8 defraud creditors including Plaintiff. Plaintiff has been harmed by these fraudulent transfers.

9 38. Defendants fraudulently transferred the Properties to Defendants in commission of common law  
10 fraudulent transfer and in violation of the Uniform Voidable Transactions Act. Each Defendant  
11 acted in concert with each other Defendant and with the Yans in a continuing scheme and  
12 conspiracy to defraud and harm Plaintiff and to violate Plaintiff's rights. The conduct of  
13 Defendants, individually and collectively, was a substantial factor and proximate cause in  
14 bringing about Plaintiff's harm. The actions of Defendants as aforesaid were willful, wanton,  
15 and fraudulent and thus warrant an award of punitive damages.

16                                   **Third Cause of Action – Conspiracy to Defraud and Aiding and Abetting Fraudulent**  
17   **Transfers**

18 39. Plaintiff incorporates the allegations of each and every paragraph above as though fully set forth  
19 here. Upon information and belief, Plaintiff alleges the following:

20 40. Defendants knowingly and willfully conspired with the Yans and between themselves to engage  
21 in the above-described fraudulent transfers conducted to prevent Plaintiff from collecting  
22 against assets belonging to the Yans. Defendants also aided and abetted the Yans in  
23 effectuating the fraudulent transfers and concealment of their various assets and properties to  
24 hinder, delay, and defraud Plaintiff.

25 41. Defendants including Tina Yan, Fang, Nguyen, Wynn, Tran, Tu, Legal Associates Inc, and 818  
26 Green Street LLC manipulated the title to the San Francisco Property or otherwise engaged in  
27 hiding or encumbering the property in connection with the January 4, 2019 transfer of it to  
28 Defendant Tu. They knew about the injunction that prohibited transfers of the San Francisco

1 Property and effectuated the fraudulent transfer of the property by using a fraudulent and void  
2 Deed of Trust to sidestep that injunction and commit fraudulent transfers of the that property in  
3 a continuous scheme to defraud Yan's creditors. These defendants aided and abetted the Yans  
4 in concealing the San Francisco Property and transferring away income generated from the  
5 property to hinder, delay and defraud Plaintiff's collection on the Yans' assets.

6 42. Defendants including Tina Yan, Tran, T24 LLC, Oakland Development LLC manipulated the  
7 title to the Oakland Property, concealed assets belonging to the Yans including rental and  
8 business income, and engaged in other activities to hide or encumber the property in connection  
9 with the January 13, 2021 transfer of it to Defendant T24, LLC in fraud of Plaintiff's judgments,  
10 sanctions and tort claims against the Yans.

11 43. Defendants including Tina Yan, Wynn, Legal Recovery LLC, Legal Recover LLC, and Noble  
12 Lane LLC manipulated the title to the San Jose Property and engaged in other activities to hide  
13 or encumber the property in connection with the August 31, 2020 and July 20, 2022 transfers of  
14 the San Jose Property in fraud of Plaintiff's judgments, sanctions and tort claims against the  
15 Yans.

16 44. Plaintiff have been damaged by being unable to collect judgments, sanctions and claims against  
17 the Yans as a result of Defendants' participation in the conspiracy to defraud Plaintiff and their  
18 participation in the Yans' scheme by aiding and assisting them to defraud Plaintiff.

19 45. Defendants engaged in the conduct to willfully, maliciously, in bad faith, and in reckless  
20 disregard of Plaintiff's rights. They did so with shocking and willful indifference to Plaintiff's  
21 rights and their conscious awareness that they would cause Plaintiff severe harm and damages.

22 46. Plaintiff face real and immediate threat of repeat and irreparable injury as a result of the  
23 unlawful misconduct of the Defendants. Plaintiff has no adequate and complete remedy at law  
24 otherwise. As a direct and proximate result of the wrongful acts alleged above, Plaintiff has  
25 been damaged. The actions of Defendants as aforesaid were willful, wanton, and fraudulent and  
26 thus warrant an award of punitive damages.

1 47. Plaintiff is informed and believes and thereon alleges that, unless enjoined, Defendants will  
2 continue to engage in the unlawful acts described above, in violation of the legal rights of  
3 Plaintiff and others who are similarly situate.

4 **V. PRAYER**

5 WHEREFORE, Plaintiff prays for relief as follows:

- 6 1. That the transfers from judgment debtors and vexatious litigants Demas Yan and Tina Yan  
7 to Defendants be set aside and declared void as to the extent necessary to satisfy Plaintiff's  
8 claims, sanction awards and judgments and that the Yans be declare the sole owners of the  
9 assets and Properties transferred;
- 10 2. That Defendants be enjoined and restrained from wasting, disposing, selling, transferring,  
11 conveying, assigning, or otherwise disposing of the Properties transferred;
- 12 3. That Defendants be held jointly, severally, and personally liable to Plaintiff in the amount of  
13 his claims, sanction awards and judgments against the Yans;
- 14 4. That Property held by Defendants which belong to the Yans be applied to satisfy Plaintiff's  
15 claims, sanction awards and judgments against the Yans;
- 16 5. For compensatory and special damages including attorneys' fees and other costs in litigating  
17 the actions, damage to reputation, and emotional distress damages, in an amount to be  
18 proven at trial;
- 19 6. For general damages according to proof at trial;
- 20 7. For attorneys' fees and costs of suit herein;
- 21 8. For punitive damages in such amount as the Court may deem appropriate to penalize  
22 Defendants for their intentional and malicious misconducts;
- 23 9. For prejudgment interest;
- 24 10. For injunctive relief; and
- 25 11. For such other relief as the Court may deem Plaintiff entitled to receive.

26 Dated: June 8, 2023

27 Respectfully submitted,

28   
Bryant Fu, Plaintiff in Pro Per

# Exhibit B

1 Tony Fu  
2 5813 Geary Blvd., PMB 188  
3 San Francisco, CA 94121  
4 (415) 830 - 9929

5 Plaintiff in Pro Per

**FILED**  
Superior Court of California  
County of San Francisco

FEB 16 2023

CLERK OF THE COURT

BY: [Signature]  
Deputy Clerk

6  
7 **SUPERIOR COURT OF CALIFORNIA**  
8 **COUNTY OF SAN FRANCISCO**  
9

10 Tony Fu, an individual,

11 Plaintiff,

12 vs.

13 Legal Recovery, LLC, a California Limited  
14 Liability Company,

15 Legal Recover LLC, a California Limited  
16 Liability Company,

17 And Does 1-20.

18 Defendants.  
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) **Case No.: CGC-22-599746**

) **FIRST AMENDED COMPLAINT FOR**  
) **DAMAGES**

) **FRAUDULENT TRANSFERS;**

) **CONSPIRACY TO DEFRAUD;**

) **VIOLATION OF PENAL CODE § 496**



**PARTIES**

1. Plaintiff Tony Fu ("Fu" or "Plaintiff") is, and at all relevant times was, an individual residing in California, and over the age of 18 years old.
2. Defendant Legal Recovery, LLC, ("Legal Recovery") is a California Limited Liability Company conducting business in California.
3. Defendant Legal Recover, LLC ("Legal Recover") is a California Limited Liability Company conducting business in California.
4. The aforementioned defendant business entities and individual are collectively called "Defendants" in this Complaint.
5. Fu is ignorant of the true name and capacities of the defendants sued herein as Does 1 through 20, inclusive, and therefore sues these Defendants by such fictitious names. Fu will seek leave of the court to insert the correct names of said defendants when the names have been ascertained.
6. Fu is informed and believes and alleges thereon that each of the defendants named herein as Doe participated and/or are responsible in some manner for the occurrences herein alleged, and that Fu's losses as herein alleged were proximately caused by such acts of the fictitiously named defendants.
7. Fu is informed and believes and on that basis alleges that at all times relevant to the acts complained of herein, Defendants, including the Doe defendants, were or are the agents, servants, employees, alter egos and/or representatives of the other defendants, and each of them, acted in concert and conspired with and/or aided and abetted each other to do the acts complained of herein and that Fu's damages are proximately caused thereby and that each defendant is responsible in some manner for the occurrences alleged herein in this complaint.

1 8. Fu is further informed and believes that the aforementioned Defendants complained of  
2 herein were within the course and scope of the aforementioned agency and/or employment,  
3 and was made at the advice, order, instruction, direction and control of each of the other  
4 Defendants, and with the knowledge, consent and/or ratification of Defendants, and each of  
5 them. Defendants' acts harmed and/or caused harm directly and/or indirectly to Fu.

### 6 7 **JURISDICTION AND VENUE**

8 9. This Court has subject matter jurisdiction over all causes of action asserted herein pursuant  
9 to the California Constitution. Defendants are subject to the jurisdiction of this Court by  
10 virtue of their residences, by their business dealings and transactions in California, by  
11 having caused injuries through their acts and omissions throughout the State of California,  
12 and by their violations of California statutory and common law.

13 10. Venue is proper in this Court pursuant to California Code of Civil Procedure Section 395 as  
14 this is an action to enforce obligations and liabilities which, in substantial part, arose in this  
15 county and which were, in substantial part, performed in this county.

### 16 17 **GENERAL ALLEGATIONS**

18 11. Fu incorporates the allegations of each and every paragraph above as though fully set forth  
19 here.

20 12. Demas Yan a/k/a Dennis Yan ("Yan") was a former business partner of Fu. Yan engaged in  
21 theft and other deceitful acts to defraud Fu and other creditors. Yan failed to get away with  
22 his misconduct and in retaliation he caused and directed over 40 meritless and frivolous  
23 litigations against Fu and related persons since 2004. Yan was determined a vexatious  
24 litigant and held liable to Fu for malicious prosecution and sanctions.  
25

1 13. Fu obtained judgment of \$206,170.67 against Yan for malicious prosecution in San  
2 Francisco Superior Court on May 26, 2021. Also, Fu is the assignee of a sanctions award  
3 against Yan in the amount of \$12,908.76 from the United States Bankruptcy Court for the  
4 Northern District of California on June 20, 2019. (Collectively called the "Judgment  
5 Debts")

6 14. Yan conspired with Defendants to hide/conceal money and property for Yan to defraud Fu  
7 and other creditors. Yan has fraudulently transferred hundreds of thousands of dollars in  
8 asset to Defendants in fraud of Fu's judgment and sanctions against Yan. Yan had engaged  
9 in multiple fraudulent transfers of properties such as the one located at 547 23rd Avenue,  
10 San Francisco, California. In doing so, Yan was enriched by continuing to generate and  
11 receive money from that property while simultaneous defrauding existing and future  
12 creditors including Fu. Yan also hid and concealed that money through fraudulent transfers.

13 15. Fu has demanded Defendants to disgorge to Fu the money they received and are concealing  
14 for Yan, but they have refused.

#### 15 **FIRST CAUSE OF ACTION**

#### 16 **(Damages for Fraudulent Transfers)**

17 16. Fu incorporates the allegations of each and every paragraph above as though fully set forth  
18 here.

19 17. Yan has engaged in a long running scheme to hide and transfer is assets and real property to  
20 become judgment-proof to prevent Fu from being able to recover the damages inflicted by  
21 Yan. Yan has engaged in multiple fraudulent transfers to hide his assets and real property.  
22 One such fraudulent transfer occurred on or about August 31, 2020 where Yan fraudulently  
23 transferred his assets and ownership interests in properties including one located at 1052  
24 Noble Lane, San Jose, California to Legal Recovery LLC and Legal Recover LLC. Those  
25 transfers were made for less than reasonably equivalent value and with the intent to hinder,

1 delay, and defraud Yan's creditors including Fu. Further, at the time of the aforesaid  
2 transfers, Yan was either insolvent or the transfers rendered him insolvent to prevent Fu  
3 from collecting on the Judgment Debts.

4 18. As a direct and proximate result of the bad faith and wrongful acts alleged above, Fu has  
5 been damaged in the amount of the Judgment Debts. Each Defendant is jointly liable for the  
6 harm and damages Fu has suffered.

7 19. Defendants, acted in concert and conspired with and/or aided and abetted each other and  
8 acted willfully, maliciously, oppressively, and with a conscious disregard for Fu's rights and  
9 the damages he would suffer thereby warrant an award of punitive damages in an amount to  
10 be determined, but in no event less than \$200,000.00.

## 11 12 SECOND CAUSE OF ACTION

### 13 (Conspiracy to Defraud)

14 20. Fu incorporates the allegations of each and every paragraph above as though fully set forth  
15 here.

16 21. On or about August 31, 2020, Defendants engaged and participated in a conspiracy  
17 pursuant to which Yan made the aforementioned transfers to Defendants in order to hinder,  
18 delay, and defraud creditors then existing and future creditors including Fu. Defendants  
19 continue to engage in a conspiracy with Yan to present day.

20 22. In furtherance of such conspiracy, Yan made the transfers to Defendants as aforesaid and  
21 Defendants accepted those transfers as part and parcel of the conspiracy.

22 23. By reason of the conspiracy and Defendants' knowing and voluntary participation therein  
23 in doing the acts described above, Fu has been damaged in the amount of the Judgment  
24 Debts which would have been collectable from Yan but for the aforementioned transfers.  
25

As such, Defendants are jointly and severally liable for conspiracy to defraud Fu in the amount of the Judgment Debts.

24. The actions of Defendants as aforesaid were willful, wanton, and fraudulent and thus warrant an award of punitive damages in an amount to be determined, but in not event less than \$200,000.00.

### THIRD CAUSE OF ACTION

#### (Violation of Penal Code § 496)

25. Fu realleges and incorporates the allegations set forth in preceding paragraphs as though fully set forth herein.

26. Defendants engaged in theft in violation of California Penal Code section 496 to prevent Fu from collecting against Yan's assets.

27. Defendants engaged in the conduct to willfully, maliciously, in bad faith, and in reckless disregard of Fu's rights. They did so with shocking and willful indifference to Fu's rights and with conscious awareness that they would cause Plaintiff severe harm and damages.

28. Fu faces real and immediate threat of repeat and irreparable injury as a result of the unlawful misconduct of the Defendants. Fu has no adequate and complete remedy at law otherwise. As a direct and proximate result of the wrongful acts alleged above, Fu has been damaged. The actions of Defendants as aforesaid were willful, wanton, and fraudulent and thus warrant an award of punitive damages.

29. Fu is informed and believes and thereon alleges that, unless enjoined, Defendants will continue to engage in the unlawful acts described above, in violation of the legal rights of Plaintiff and others who are similarly situate.

30. Plaintiff requests for an award of treble damages and attorney's fees pursuant to Penal Code section 496(c).

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**PRAYER**

WHEREFORE, Fu respectfully request a judgment in his favor and against Defendants jointly and severally on each and every claim in this Complaint and for relief as follows:

1. For a money judgment against Defendants in the amount to satisfy the Judgment Debts;
2. For general damages according to proof at trial;
3. Treble damages pursuant to Penal Code section 496(c);
4. For attorneys' fees and costs of suit herein;
5. For punitive damages in such amount as the Court may deem appropriate to penalize Defendants for their intentional and malicious misconducts;
6. For prejudgment interest;
7. For injunctive relief; and
8. For such other relief as the Court may deem Plaintiffs entitled to receive.

Dated: February 15, 2023

Respectfully submitted,



Tony Fu  
Plaintiff in Pro Per